



CERTIFICATE OF MAILING

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Date: April 19, 2002

Rudy O. Bautista

Adjustment date: 09/11/2002 AKELLEY
04/23/2002 GTEFFERA 00000041 09186869
01 FC:141 -1280.00 OP
Repln. Ref: 09/11/2002 AKELLEY 0013440600
DAH:500639 Name/Number:09186869
FC: 704 \$1280.00 CR

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APR 24 2002

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PATENT

216019-93 (98,429)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: HASEL et al.

Serial No.: 09/186,869

Filed: November 4, 1998

Title: Method For Indexing And Determining
The Relative Concentration Of Expressed
Messenger RNA's

Art Unit: 1637

Examiner: Jeffrey Norman Fredman

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT AND
CONDITIONAL PETITION TO REVIVE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant requests that the holding of abandonment of this application be withdrawn. In the alternative, Applicant petitions pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified patent application as abandonment of same was unintentional.

By way of background, the Applicant submitted a Response to Office Action on April 24, 2001. In a Notice of Non-Compliant Amendment dated May 2, 2001, Applicant was advised that the Response to Office Action did not comply with 37 C.F.R. § 1.121. Applicant thereafter submitted a Transmittal Letter to the Notice on May 9, 2001 that was deemed to be responsive to the Notice. Nevertheless, a Notice of Abandonment issued on March 12, 2002, that states that no response was received to the Notice of Non-Compliant Amendment.

LA2:613316.1

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Serial No. 09/162,499
April 19, 2002
Page 2

Applicant encloses herewith a copy of the Transmittal Letter and Express Mail Shipping Label showing submission of the Transmittal Letter with the U.S. Postal Service on May 9, 2001. Moreover, Applicant encloses herewith a correspondence from the U.S. Postal Service dated January 24, 2002, verifying delivery of the Transmittal Letter to Washington, D.C. 20231 to an individual there named G Bethea. This evidence is considered sufficient to show that a response to the Notice of Non-Compliant Amendment was indeed submitted.

To the extent that the foregoing is not sufficient to permit withdrawal of the holding of abandonment, Applicant respectfully petitions pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified patent application as abandonment of same was unintentional. Applicant also submits concurrently herewith an Amendment that is fully responsive to the outstanding Office Action and Notice of Non-Compliant Amendment.

Enclosed please find a check in the amount of \$1,280.00 for the petition fee set forth in 37 C.F.R. § 1.17(m). The Commissioner of Patents is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-0639. A duplicate copy of this paper is enclosed.

Respectfully submitted,



Brian M. Berliner
Attorney for Applicants
Registration No. 34,549

Date: April 19, 2002

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, California 90071-2899
Telephone: (213) 430-6000

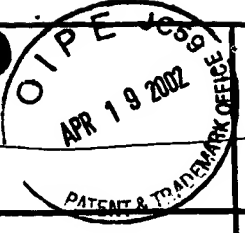
Enclosures:

1. Copy of Transmittal Letter and Express Mail Shipping Label dated May 9, 2001.
2. Correspondence from the U.S. Postal Service dated January 24, 2002.

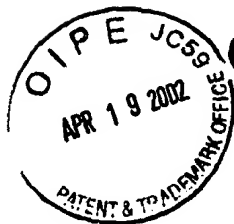
DATE: 5-9-01

EXPRESS MAIL LOG

ITEM	ATTORNEY	MBHB CASE NUMBER	ENVELOPE CONTENTS	NAME OF THE PERSON DEPOSITING IN THE MAILROOM	LOCATION OF POST OFFICE	DATE OF DELIVERY TO POST OFFICE	TIME OF DELIVERY TO POST OFFICE	NAME OF THE PERSON MAKING DELIVERY
1	EM	00-713 L	Trans Ltr Response Copy of App. Trans Exp. Mail Cert. Postcard EL625520670US Express Mail number:	Chris	433 W. Van Buren	5/9	6pm	RW
2	EM	00-713 M	Trans Ltr Response Copy of App. Trans Exp Mail Cert Postcard EL625520326US Express Mail number:	Chris	433 W. Van Buren			
3	EM	94,041	Trans Ltr Combined Dec 8+15 Specimen Postcard Check Express Mail number: EL738038565US	Chris	433 W. Van Buren			
4	EM	94,1404 C 94,1404 D	Trans Ltr Letter Exp Mail Cert Postcard Express Mail number: EL625520312US	Chris	433 W. Van Buren			
5	LP2	98,401	transmitted letter Clean Version of Repleant marked up version of Repleants Express Mail number: EL604651670US	Kelly	433 W. Van Buren	RECEIVED APR 24 2002 TECH CENTER 1600/200		



21366



Hon. Commissioner of
Patents and Trademarks

09/186,869

Atty RPZ

Re: Applicant - Karl W. Hasel and Brian S. Hilbush Case No. 98,429

Method For Indexing And Determining The Relative Concentration Of
Expressed Messenger Rnas

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

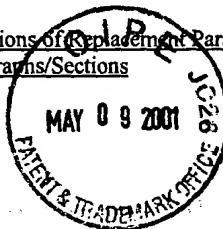
- ☒ Transmittal Letter
- ☐ Signed Declaration
- ☒ Fee Check
- ☐ Assignment
- ☒ Other Clean Versions of Replacement Paragraphs/Sections; Marked-Up Versions of Replacement Paragraphs/Sections

EL604651670US

Fee Enclosed

\$ -0-

Mailed: May 9, 2001



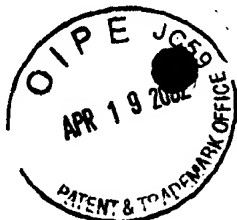
Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

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Hon. Commissioner of
Patents and Trademarks

09/186,869

Atty RPZ

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Method For Indexing And Determining The Relative Concentration Of
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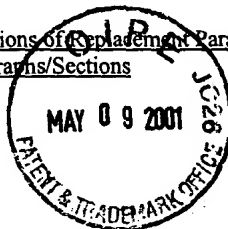
- ☒ Transmittal Letter
- ☐ Signed Declaration
- ☒ Fee Check
- ☐ Assignment
- ☒ Other Clean Versions of Replacement Paragraphs/Sections; Marked-Up Versions of Replacement Paragraphs/Sections

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Fee Enclosed

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Mailed: May 9, 2001



Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

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